

REMARKS

Claims 15-26 are pending. Claim 22 is amended. Claims 35-38 are new method claims and are intended to cover subject matter similar to that of the apparatus claims. No additional claims fees are due for these new claims as the total number of independent claims is 3 and the total number of claims is less than 20.

Claim rejections under 35 U.S.C. 112

Claims 22-26 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because claim 22 included a duplicative recitation of "first and second radio interfaces". The claim has amended and now comports with the Examiner's correct interpretation of the claim for the purposes of the present action. The claim is also amended to corrected noted antecedent problems.

Claim rejections under 35 U.S.C. 102(e)

All of the claims except claims 17 and 24 were rejected under 35 U.S.C. 102(e) as being anticipated by Monin et al. (US 2002/0197984, hereinafter "Monin").

Each of the independent claims herein require a single WLAN device that has a single baseband processor that is operable to communicate through a plurality of radios and a plurality of baseband processor interfaces. With reference to the specific teachings cited in the official action, the action states:

Regarding claim 15, Monin discloses a Wireless Local Area Network (WLAN) device (fig. 5 and fig. 6, control unit 28), comprising:

a first baseband processor interface for receiving, processing and generating digital data (fig. 5 and fig. 6, baseband module 1 is connected to radio module 1);

a first radio for receiving the digital data and for transmitting RF signals in a first frequency band and for receiving RF signals in the first frequency band and for producing corresponding digital data to the first baseband processor interface (fig. 5 and fig. 6, radio module 1);

a second baseband processor interface for receiving, processing and generating digital data (fig. 5 and fig. 6, baseband module 2 is connected to radio module 2);

a second radio for receiving the digital data and for transmitting RF signals in a second frequency band and for receiving RF signals in the second frequency band and for producing corresponding digital data to the second baseband processor interface (fig. 5 and fig. 6, radio module 2); and

a single baseband processor that transmits outgoing data and receives ingoing data through the first and second baseband processor interfaces (fig. 5, switch 60 and fig. 6, switches 74 & 84. Also see, paragraph 0040).

The examiner explained clearly in the Response to Arguments why he believes the teachings of Monin read on the claims. The applicant appreciates the examiner's efforts to explain – this supports the advancement of the prosecution of this case. The examiner stated:

It is important to note that figure 5, switch 60 or figure 6, switches 74 & 84 of Monin are considered as the single baseband processor of claimed invention. The switches of Monin is capable of switching the modulated signals includes parallel switching of baseband signals generated at the central control unit. In other words, the switches of Monin transmits/receives data from/to baseband module 1 and radio module 1 or any other baseband modules and radio modules. Hence, this teaching reads on the currently amended claim language.

The applicant notes that Monin FIG. 5 includes a "network 22" [0077, line 2] that includes a control unit 28 that includes a plurality of baseband modules 40 (3 are shown in FIG. 5). Clearly, these baseband modules are separate (see where baseband module "N" is separate from baseband modules 1 and 2). The drawing notation of the three "dots" separating module 2 and module N under standard convention represents a series of similar devices. Moreover, each baseband module of FIG. 5 is coupled to communicate through only one radio module. Thus, each baseband module has a corresponding radio module. The radio modules are then coupled to communicate through common antennas by a common switch 60.

Concerning FIG. 6, Monin again shows "N" baseband modules with "N" corresponding radio modules. Thus, in this regard, FIGs. 5 and 6 are the same. Then Monin states:

An important advantage of the configuration shown in FIG. 6 is that it can use standard chip-sets in control unit 28, without the need for transport network 32 to operate at high frequency. Standard chip-sets for the Industrial Scientific/Medical (ISM) band transmit and receive at 2.4 GHz. Alternatively, a dedicated transceiver may be designed with IF output and input, for example at 100 MHz. In this case, only access points 26 must have up conversion and down conversion circuits.

Accordingly, Monin states clearly the control unit 28 comprises a plurality of chip sets. Moreover, in relation to FIG. 2, Monin lists a plurality of access points 26 [0072, line 3]. Each access point includes a baseband module 40 and a corresponding radio module 42 (see FIG. 2). Because Monin uses these same reference numerals 40 and 42 in FIGs. 5 and 6, it is clear that FIGs. 5 and 6 include the same separate and multiple baseband processors 40. Thus, Monin very clearly is teaching separate baseband processors 40 in each of his embodiments. Thus, the applicant believes that the examiner's assumption that FIGs. 5 and 6 show a single baseband processor is in error.

The added claim element (from the last amendment) requires:

a single baseband processor that transmits outgoing data and receives ingoing data through the first and second baseband processor interfaces.

In addition to the fact that Monin does not suggest a single baseband processor, Monin also does not show that the input and output of a single baseband processor go through two baseband processor interfaces (and therefore two radios (see FIG. 4B of present application). Each baseband module 40 of Monin communicates through a single corresponding radio module. It is only after up conversion (for example for a transmission) that outgoing signals are switched.

As a final point, the term "single" means only one. Thus, the claimed device is for a WLAN device that has only one baseband processor. Even if Monin's teachings could accurately be represented as only one baseband processor operating at a time, his control unit still comprises a plurality of baseband processors. Thus, one cannot reasonably say that a plurality of devices is the same as one device. If this were a method claim and the claim were to say something like "one baseband processor transmitting outgoing bits", then arguably a system that had a plurality of baseband processors could infringe this claim if only one processor transmitted at a time.

Because this is a structure claim, however, even if only one processor operates at a time, the device still has multiple processors. Thus, the applicant disagrees with any suggestion that the multiple baseband processors of Monin can be treated as "a single baseband processor". The term "a single" should be read to mean "one and only one".

Claim rejections under 35 U.S.C. 103

Claims 17 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Monin et al. (hereinafter "Monin", US 2002/0197984) in view of Brandstetter (US 5,005,946, hereinafter "Brandstetter"). Regarding claims 17 and 24, the action states that Monin discloses all limitations recited within claims as described above, but does not expressly disclose wherein the interference power includes in-channel interference and adjacent channel interference. In a similar endeavor, the actions states that Brandstetter discloses a method for multi-channel filtering system and that Brandstetter also discloses wherein the interference power includes in-channel interference and adjacent channel interference (col. 8, line 67 - col. 9, line 12). Therefore, the action concludes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these references together.

Because the applicant believes that the reference to Monin does not teach all of the required claim elements as argued above, the applicant believes that the combination of Monin with Brandstetter also fails to teach all of the claim limitations for the independent claims combined with claims 17 and 24 thereby rendering these grounds of rejection moot.

CONCLUSION

For the above reasons, the applicant believes the Application in condition for allowance and therefore requests reconsideration of the pending claims. Should the Examiner have any further comments or suggestions, please contact James Harrison at (214) 902-8100.

Respectfully submitted,
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